IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3442 OF 2005

Mr.Jayanathibhai Karmshi Faria & Anr. : Petitioners

(Orig.Def. No.2 & 3)

V/s.

Ravi Timber Mart & Ors. : Respondents

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Mrs.Anita Patil for Mr.S.J.Ghogare for the petitioners.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

June 14, 2005.

P.C.:

1. One of the contentions on behalf of the petitioners is that the lower Court initially granted one month's time to deposit the amount and later on curtailed the time by directing that the amount be deposited on or before the next date which was four days away. The petitioner, therefore, apprehend that the Court may proceed to deliver the judgement without there being sufficient time. This by itself cannot be a reason for interference with the order since the Court has directed in the order that the amount be deposited on or before the next date, although

apparently by way of a correction, as is apparent from the photocopy at page 11 of the Writ Petition. The petitioners are, therefore, permitted to approach the trial Court with necessary application pointing out the aforesaid fact and may seek extension of time. On merits there is no reason to interfere with the order since the petitioners have been granted conditional leave to defend on depositing Rs.50,000/- each in Court. The petitioners are alleged to be partners of a firm which has received the goods. All contentions on merits are kept open.

2. The petition is dismissed.

S.A. BOBDE, J.